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liquor under Acts 1916, c. 146, evidence held not sufficient to support conviction.

[Ed. Note.—For other cases, see 8 Va.-W. Va. Enc. Dig. 34.]

Error to Circuit Court, Russell County.

M. P. Artrip was convicted of violating the prohibition law, and he brings error. Reversed and remanded.

Finney & Wilson, of Lebanon, for plaintiff in error.

John R. Saunders, Atty. Gen., and *J. D. Hank, Jr.*, Asst. Atty. Gen., for the Commonwealth.

PETTUS *v.* COMMONWEALTH.

June 19, 1918.

[96 S. E. 161.]

1. Indictment and Information (§ 110 (31*))—Following Language of Statute—Liquor Law.—An indictment for keeping ardent spirits for sale or use contrary to law is not demurrable when in the form authorized by the statute.

[Ed. Note.—For other cases, see 7 Va.-W. Va. Enc. Dig. 414.]

2. Criminal Law (§ 1172 (7*))—Harmless Error—Instruction.—In a prosecution for storing intoxicating liquor contrary to law, an instruction that it was unlawful for defendant to keep or store for sale, gift, or use ardent spirits in any other place than the bona fide home of himself was harmless error; it being in defendant's favor.

[Ed. Note.—For other cases, see 1 Va.-W. Va. Enc. Dig. 600.]

3. Intoxicating Liquors (§ 139*)—Unlawfully Keeping and Storing—"Curtilage" or Residence.—In a prosecution for unlawfully keeping ardent spirits in a place other than a bona fide home for personal use, where it appeared that defendant lived above a store in which he sold soft drinks and had stored spirits in a vacant store building owned by him fronting on the next street, and also in a grocery store adjacent to the building wherein he lived, connecting by a hallway across an alley, the places wherein the liquor was stored were not within the curtilage of his bona fide residence.

[Ed. Note.—For other definitions, see Words and Phrases, First and Second Series, Curtilage. For other cases, see 8 Va.-W. Va. Enc. Dig. 4.]

Error to Corporation Court of Roanoke.

E. M. Pettus was convicted of unlawfully keeping for sale or

*For other cases see same topic and KEY-NUMBER in all Key-Numbered Digests and Indexes.

use ardent spirits in any other than his bona fide home, and he brings error. Affirmed.

A. B. Hunt, of Roanoke, for plaintiff in error.

John R. Saunders, Atty. Gen., and *J. D. Hank, Jr., Asst. Atty. Gen.*, for the Commonwealth.

WILKINS *v.* HENDERSON.

June 13, 1918.

[96 S. E. 163.]

1. **Trial (§ 252 (2)*)—Instruction—Applicability.**—In boundary dispute, instruction that if defendant, by virtue of a deed, entered the land and improved and cultivated a part and claimed title to the whole she was in possession and entitled to all of it, was erroneous, where the land was timber in no way improved or cultivated, and the only acts of ownership alleged were the occasional cutting of trees and raking of shatters.

[Ed. Note.—For other cases, see 7 Va.-W. Va. Enc. Dig. 717, 718.]

2. **Trial (§ 253 (3)*)—Instructions—Ignoring Issues.**—In boundary dispute, where defendant claimed by deed describing the land involved and also by adverse possession, instructions directing verdict for plaintiff if the claim of adverse possession were not established were erroneous, since if defendant claimed by a deed which described the land her possession of part of the land under the deed extended to all of it.

[Ed. Note.—For other cases, see 7 Va.-W. Va. Enc. Dig. 717.]

3. **New Trial (§ 71*)—Setting Aside Verdict—Conflicting Evidence.**—Where the evidence in a boundary dispute as to the location of the boundary is conflicting, the court is without power to set aside the verdict.

[Ed. Note.—For other cases, see 10 Va.-W. Va. Enc. Dig. 459.]

(Additional Syllabus by Editor.)

4. **Trial—Instruction Directing Verdict—Completeness.**—It is error to give an instruction directing a finding for the plaintiff or the defendant on an incomplete or partial view of the evidence.

[Ed. Note.—For other cases, see 7 Va.-W. Va. Enc. Dig. 715, 737.]

Error to Circuit Court, Northampton County.

Action by H. H. Wilkins against Bessie R. Henderson. Judgment for defendant, and plaintiff brings error. Reversed.

Stanley Scott, of Eastville, for plaintiff in error.

John E. Nottingham, Jr., of Franktown, for defendant in error.

*For other cases see same topic and KEY-NUMBER in all Key-Numbered Digests and Indexes.